

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION

AFFINITY LABS OF TEXAS, LLC,	§	
	§	
<i>Plaintiff,</i>	§	Civil Action No. 9:08-CV-163
	§	
v.	§	JUDGE RON CLARK
	§	
DICE ELECTRONICS, LLC; JWIN	§	
ELECTRONICS CORPORATION;	§	
TOMTOM INC.; AND VAIS	§	
TECHNOLOGY, LTD.	§	
	§	
<i>Defendants.</i>	§	

**ORDER OF DISMISSAL**

Before the court is Plaintiff Affinity Labs of Texas, LLC and Defendant DICE Electronic LLC's Agreed Motion to Dismiss With Prejudice. The court is of the opinion that the motion should be granted.

IT IS THEREFORE ORDERED that Plaintiff Affinity Labs of Texas, LLC and Defendant DICE Electronic LLC's Agreed Motion to Dismiss With Prejudice [Doc. # 79] is GRANTED. Affinity Labs's claims against DICE Electronics, and DICE Electronics's counterclaims against Affinity Labs, in this suit are DISMISSED WITH PREJUDICE.

IT IS FURTHER ORDERED that this dismissal with prejudice shall not include any claims relating to future patent infringement that are permitted by the agreement entered into between Affinity Labs and DICE Electronics and any counterclaims (including any counterclaims relating to the validity or enforceability of the patent-in-suit) relating thereto (referred to as

“Potential Future Claims”). These Potential Future Claims are DISMISSED WITHOUT PREJUDICE.

IT IS FURTHER ORDERED that all attorney’s fees, costs of court, and expenses shall be borne by the party incurring the same. This is a final judgment as to Defendant DICE Electronics, LLC.

So **ORDERED** and **SIGNED** this **18** day of **June, 2009**.

A handwritten signature in black ink, appearing to read "Ron Clark", is written above a horizontal line.

Ron Clark, United States District Judge